

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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FREEPLAY MUSIC LLC,	:	
	:	
<i>Plaintiff,</i>	:	
	:	
-against-	:	Civ. No. 1:10-CV- 0635 (SAS/HBP)
	:	
SPORTSBRAND MEDIA GROUP, NBA TV	:	
LLC, TURNER SPORTS, INC., TURNER	:	ANSWER TO CROSS-CLAIM OF
BROADCASTING SYSTEM, INC. AND	:	DEFENDANT NBA PROPERTIES, INC.
NATIONAL BASKETBALL	:	
ASSOCIATION, INC.,	:	
	:	
<i>Defendants.</i>	:	
-----	x	

Defendant Sportsbrand Media Group (“SMG”) responds to Defendant NBA Properties, Inc.’s (“NBAP”) Cross-Claim (the “Cross-Claim”) as follows (the numbered paragraphs below correspond to those appearing in the Cross-Claim).

- 64. Admitted.
- 65. Admitted.
- 66. Admitted.
- 67. Denied.

Defendant SMG denies the allegations in the Prayer section of the Cross-Claim.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Cross-Claim fails to state a claim upon which relief can be granted.

Second Affirmative Defense

Any injury that Defendant may have allegedly suffered is a result of independent acts taken by third parties for which SMG is not responsible.

Third Affirmative Defense

Defendant's claims are barred by its failure to mitigate damages.

Wherefore, SMG prays for relief as follows:

1. Defendant NBAP's Cross-Claim be dismissed with prejudice;
2. The Court deny all relief requested by Defendant NBAP;
3. The Court issue judgment awarding to SMG its costs of suit incurred in this action including attorneys' fees; and
4. The Court grant SMG such further relief to which it may be entitled.

Dated: May 21, 2010.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

/s/ Mark N. Mutterperl

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Attorneys for Defendant
SPORTSBRAND MEDIA GROUP

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2010, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/ Mark N. Mutterperl

Mark N. Mutterperl